

**ZONING REVIEW SHEET****CASE:** C14-2007-0161**P.C. DATE:** October 9, 2007  
October 23, 2007**ADDRESS:** 5350 Burnet Road**OWNER:** 5350 Burnet LTD. (Ken Carr)**AGENT:** Drenner & Golden Stuart  
Wolff, LLP. (Michele Rogerson)**REZONING FROM:** CS-MU-CO (Commercial services—mixed use—conditional overlay)  
combining district**TO:** CS-MU-CO (Commercial services—mixed use—conditional overlay) combining district; The nature of this request is to consider applying early opt-in determination for Vertical Mixed Use (VMU) to the subject site and to allow implementation of VMU options.**AREA:** 2.425 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:*****PENDING – To be considered October 23, 2007*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of CS-MU-CO combining district. The conditional overlay shall limit the daily vehicle trips to less than 2,842 per day and allow the implementation of Vertical Mixed Use (VMU) options on the subject property. Furthermore, the conditional overlay shall retain all conditions and prohibited uses imposed on the property by Ordinance No. 010322-66.

The Staff recommendation is based on the following observations:

- 1.) The site lies along a designated Core Transit Corridor in accordance with [LDC Subchapter E];
- 2.) Implementation of VMU at this site will be compatible with existing land uses surrounding the subject property;
- 3.) The underlying land use and zoning classification shall be retained;
- 4.) Proposed changes will allow for implementation of VMU on the site to spur redevelopment options offered by VMU and to increase density on the site;
- 5.) The proposed redevelopment shall be subject to the design provisions of the Core Transit Corridor regulations under [LDC Subchapter E]; and
- 6.) All conditions under Ordinance No. 010322-66 shall be retained.

**DEPARTMENT COMMENTS AND BACKGROUND:**

The subject property consists of a 2.425 acre site zoned CS-MU-CO fronting Burnet Road and Lawmont Avenue. On March 22, 2001 the property was rezoned from CS to CS-MU-CO by Ordinance No. 010322-66 and conditions were imposed on the site (Please see Attachment A). Specifically the following uses were prohibited:

- Adult oriented businesses
- Automotive rentals
- Automotive repair services
- Automotive sales
- Automotive washing (of any type)
- Building maintenance services
- Monument retail sales
- Pawnshop services

- Personal improvement services
- Restaurant (drive-in, fast food)
- Service station
- Limited warehousing and distribution
- Congregate living
- Residential treatment

The site lies along a portion of the designated Burnet Road Core Transit Corridor (Please see Attachment "B"). In accordance with Subchapter E, 1.1, the proposed development meets the general purpose and intent of the regulations by proposing the following:

- 1.1.3. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area;*
- 1.1.4. To encourage developments that relate well to adjoining public streets, open spaces, and neighborhoods; and*
- 1.1.5. To provide for and encourage development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other, rather than separating uses.*

On October 10, 2005, under case C15-05-143, the Board of Adjustments approved a variance to increase the maximum compatibility height to four (4) stories or 60 feet in order to erect a mixed-use building (Please see Attachment "C"). A site plan was filed under case SP-06-0352C containing the approved variances from the Board of Adjustments (Please see Attachment "D").

The applicant seeks to implement VMU on the site and to take advantage of development options offered through the VMU ordinance including:

- *The Property is exempt from the dimensional standards identified in Article 4.3.3.E.2 (Dimensional and Parking Requirements); and*
- *The Property is subject to Article 4.3.3.F.2.b (Affordability Requirements)*

Specifically, the applicant seeks to implement, but not limited to, the following:

- Total building sq. ft. coverage: 186,200
- Number of units: 165
- Number of bedrooms: 208
- Primary use: Apartments (Multi-family residential)
- Maximum height: 60 feet
- Daily vehicle trip limitation: 1,875
- Maximum impervious cover: 77.2%
- Affordable housing: 10% of units at 80% MFI

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-MU-CO	Antique store
<i>North</i>	SF-2 / CS	Single-family residences / Retail
<i>South</i>	CS	Retail / Restaurant
<i>East</i>	CS-MU-CO-NP	Retail / Offices
<i>West</i>	MF-4	Apartments

**NEIGHBORHOOD PLAN AREA:** N/A

**TIA:** Waived (See Transportation comments)

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CORE TRANSIT CORRIDOR:** Yes**SCENIC ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

787--Brentwood Neighborhood Planning Contact Team  
 3--Allandale Neighborhood Association  
 120--Brentwood Neighborhood Assn.  
 283--North Austin Neighborhood Alliance  
 511--Austin Neighborhoods Council  
 470--Koenig Lane Neighborhood Assn.  
 740--Brentwood/Highland Combined Neighborhood Planning Team - COA Liaison  
 742--Austin Independent School District  
 769--5702 Wynona Neighbors  
 786--Home Builders Association of Greater Austin  
 1037--Homeless Neighborhood Organization

**SCHOOLS:**

Austin Independent School District

- Highland Elementary School
- Lamar Middle School
- McCallum High School

**SITE CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-00-2250	CS to GR-MU	02/13/01: APVD STAFF ALT REC OF CS-MU-CO BY CONSENT (9-0)	03/22/01: APVD CS-MU-CO (7-0); ALL 3 RDGS
SP-07-0016C	Consolidated Site Plan for retail/condominiums	N/A	N/A
SP-06-0352C	Consolidated Site Plan for retail/condominiums	N/A	N/A

**SURROUNDING RELATED CASES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0166	SF-2 to SF-3-CO	11/19/02: ZAP APPROVED STAFF RECOMMENDATION BY CONSENT OF SF-3-CO WITH CONDITIONS. CO: DEVELOPMENT OF THE PROPERTY MAY NOT EXCEED TWO RESIDENTIAL	01/09/03: APPROVED SF-3-CO ON ALL 3 RDGS

		DWELLING UNITS; DEVELOPMENT OF THE PROPERTY MAY NOT EXCEED ONE DUPLEX UNIT. (7-0);	
C14-05-0121	SF-3-CO to SF-3- CO	09/06/05: DENIED STAFF REC TO CHANGE EXISTING CONDITIONAL OVERLAY (9-0)	10/27/05: DENIED REZONING IN ORDER TO MODIFY COND OF ZONING (6-0)
C14-99-0142	CS to CS-1 and CS 1 to CS	11/09/99: PC Approved staff recommendation of CS-1 with conditions. Prohibit sale of beer, sexually oriented businesses, and lottery ticket sales. R.C. to roll back to CS if use ceases. (6-0-1 BH-ABSTAIN);	12/16/99: Approved CS-1 with conditions (TR 1) and CS with conditions (TR 2); (7- 0 – 1st RDG); 02/03/00: Approved 2nd & 3rd RDGS
C14-00-2250	CS to CS-MU-CO	02/13/01: PC Approved staff alternate recommendation of CS- MU-CO with conditions. Prohibit adult oriented businesses, automotive rentals, automotive repair services, automotive sales, automotive washing, building maintenance services, monumental retail sales, pawnshop services, personal improvement services, restaurant (drive- in, fast food), service station, limited warehousing and distribution, congregate living, and residential treatment. (9-0 by consent);	03/22/01: Approved CS-MU-CO on all 3 readings. (7-0).
C14-04-0098	CS to CS-1	07/20/04: ZAP Approved staff's recommendation of CS-1 by consent. (8-0)	09/30/04: Approved CS-1 on 2nd & 3rd readings. (7-0)
C14-04-0113	LR to LI	08/17/04: ZAP Approved staff's recommendation of CS-CO. (8-0)	09/02/04: Approved CS-CO all 3 readings. (7-0)
C14-03-0148	MF-3 to GR	11/11/03: APVD GR-MU- CO (5-0)	12/11/03: APVD GR-CO (7-0); 1ST RDG, W/PRIVACY FENCE ALONG

			JIM HOGG AVE 02/12/04: APVD GR-CO (7-0); 2ND/3RD RDGS
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**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Burnet Rd	64'	43'	Arterial	Yes	No	3 - Burnet
Lawnmont	56'	28'	Collector	Yes	No	151 - Allandale

**CITY COUNCIL DATE:**

November 1, 2007

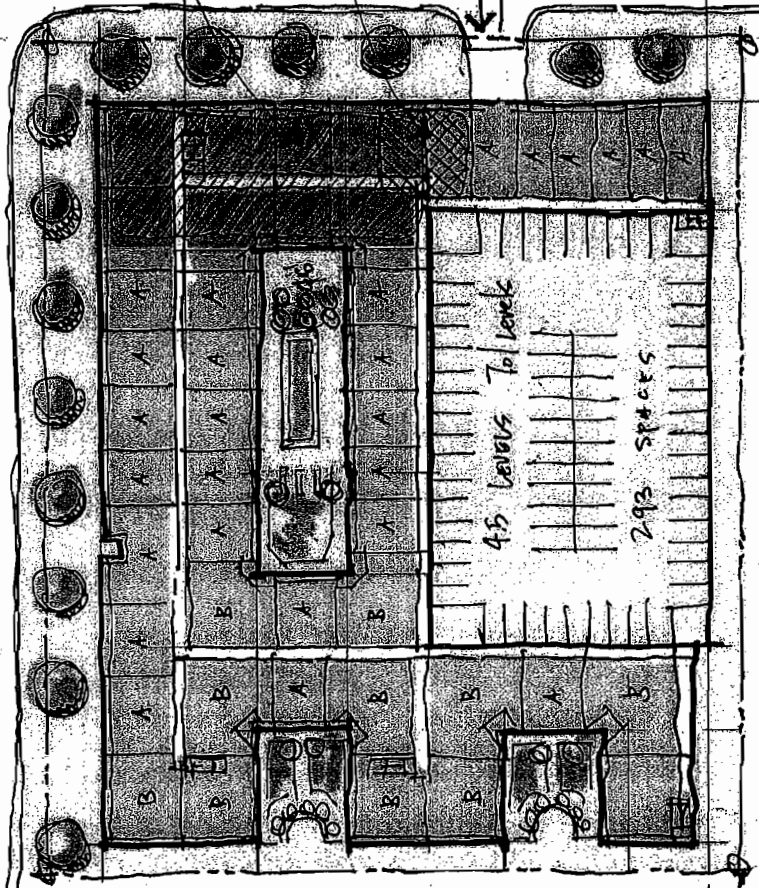
**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)







LAWN MOUNT

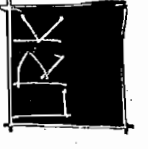


Tabulations  
160 Residential Units  
9,999 sf Retail

SCALE 2.0

1/60 North

BUDGET 2000  
ADDITIONAL  
PRESIDENTIAL



17 MAY 07

PARKING LOT

PERIM

4 PART WEN 75



## STAFF RECOMMENDATION

Staff recommends approval of CS-MU-CO combining district. The conditional overlay shall limit the daily vehicle trips to less than 2,842 per day and allow the implementation of Vertical Mixed Use (VMU) options on the subject property. Furthermore, the conditional overlay shall retain all conditions and prohibited uses imposed on the property by Ordinance No. 010322-66.

The Staff recommendation is based on the following observations:

- 1.) The site lies along a designated Core Transit Corridor in accordance with [LDC Subchapter E];
- 2.) Implementation of VMU at this site will be compatible with existing land uses surrounding the subject property;
- 3.) The underlying land use and zoning classification shall be retained;
- 4.) Proposed changes will allow for implementation of VMU on the site to spur redevelopment options offered by VMU and to increase density on the site;
- 5.) The proposed redevelopment shall be subject to the design provisions of the Core Transit Corridor regulations under [LDC Subchapter E]; and
- 6.) All conditions under Ordinance No. 010322-66 shall be retained.

## BASIS FOR RECOMMENDATION

- 1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The requested VMU determination will encourage mixed uses on the site by implementing VMU standards and encouraging a diversification of land uses.

- 2. The proposed zoning should promote consistency and orderly planning.*

The property is currently zoned CS-MU-CO-NP. The proposed change will not modify the base zoning classification nor will it alter established land uses already allowed by zoning. Conditions and restrictions as established by Ordinance No. 010322-66 shall be retained. Furthermore, the site lies along a designated Core Transit Corridor in accordance with [LDC Subchapter E] which encourages the redevelopment of properties along such corridors at higher densities.

## EXISTING CONDITIONS

### Site Characteristics

The subject property consists of a 2.425 acre site zoned CS-MU-CO fronting Burnet Road and Lawmont Avenue. On March 22, 2001 the property was rezoned from CS to CS-MU-CO by Ordinance No. 010322-66 and conditions were imposed on the site (Please see Attachment A). The site lies along a portion of the designated Burnet Road Core Transit Corridor (Please see Attachment "B") and is accessed from Burnet Road.

On October 10, 2005, under case C15-05-143, the Board of Adjustments approved a variance to increase the maximum compatibility height to four (4) stories or 60 feet in order to erect a mixed-use building (Please see Attachment "C"). A site plan was filed under case SP-06-0352C containing the approved variances from the Board of Adjustments (Please see Attachment "D").

**Transportation**

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was waived for this case because the overall increase in trips is less than 2,000 over existing trips. Site will be limited to 2,000 trips over existing. [LDC, 25-6-117]
3. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,842.

**Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, the site appears to be entirely developed; therefore there are no known significant environmental features.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations, and or abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Site Plan and Compatibility Standards**

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. Compatibility Standards apply to the **North** property line.
3. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.
4. Compliance with Core Transit Corridor regulations, section 2.2.2 is required. This includes the 15-foot sidewalk requirement, building placement, building entryways (2.2.6), connectivity (2.3), and other applicable sections of Commercial Design Standards, Subchapter E.
5. Compliance with Core Transit Corridor regulations of Subchapter E is in addition to compliance with all Vertical Mixed Use regulations as described in section 4.3 of Subchapter E.

**ORDINANCE NO. 010322-66**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5350 BURNET ROAD FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services (CS) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in File C14-00-2250, as follows:

A 2.422 acre tract of land, more or less, out of the George Spear Survey No. 7, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 5350 Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses of the property are prohibited:

Adult oriented businesses  
Automotive rentals  
Automotive repair services  
Automotive sales  
Automotive washing (of any type)  
Building maintenance services  
Monument retail sales

Pawnshop services  
Personal improvement services  
Restaurant (drive-in, fast food)  
Service station  
Limited warehousing and distribution  
Congregate living  
Residential treatment

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

**PART 3.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on April 2, 2001.

**PASSED AND APPROVED**

March 22, 2001

§  
§  
§



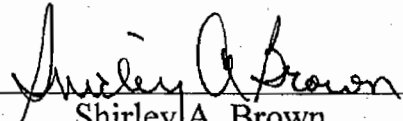
Kirk Watson  
Mayor

**APPROVED:**



Andrew Martin  
City Attorney

**ATTEST:**



Shirley A. Brown  
City Clerk

## FIELD NOTES

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE GEORGE SPEAR SURVEY NO. 7, TRAVIS COUNTY, TEXAS; BEING ALL OF A 2.422-ACRE TRACT AS CONVEYED TO HOLT AND BROTHERS, CONTRACTORS/DEVELOPERS BY WARRANTY DEED RECORDED IN VOLUME 9242, PAGE 95 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.422-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found at the intersection of the west right-of-way line of Burnet Road and the south right-of-way line of Lawnmont Avenue at the northeast corner of the above described Holt and Brothers, 2.422-acre tract for the northwest corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, with the west right-of-way line of Burnet Road, S02°27'00"E a distance of 100.77 feet to a ½" iron rod set with cap stamped "TERRA FIRMA" at the most northerly corner of a 774.00-sq. ft. tract of land as conveyed to the City of Austin for right-of-way purpose by deed recorded in Volume 12268, Page 675 of the Real Property Records of Travis County, Texas, for an angle point of this tract;

THENCE, continuing with the west right-of-way line of Burnet Road, the same being the west line of said 774.00 sq.-ft. City of Austin tract, S00°12'48"E a distance of 199.03 feet to a ½" iron rod set with cap stamped "TERRA FIRMA" on the north line of a 3.355-acre tract of land as conveyed to Milford and Elinor Desenberg by warranty deed as recorded in Volume 1963, Page 543 of the Deed Records of Travis County, Texas at the southwest corner of said 744.00-sq. ft. City of Austin tract, the same being the northeast corner of said 3.355-acre, Milford and Elinor Desenberg tract for the southeast corner of this tract;

THENCE, with the north line of said 3.355-acre Milford and Elinor Desenberg tract, N89°52'00"W a distance of 347.10 feet to a ½" iron rod found on the east line of Lot 3, Lawnmont Subdivision, a subdivision as recorded in Book 41, Page 22 of the Plat Records of Travis County, Texas, the same being the northwest corner of said 3.355-acre, Milford and Elinor Desenberg tract for the southwest corner of this tract;

THENCE, with the east line of said Lot 3, Lawnmont Subdivision, N02°29'02"W a distance of 300.05 feet to a 1" iron pipe found on the said south right-of-way line of Lawnmont Avenue for the northwest corner of this tract;

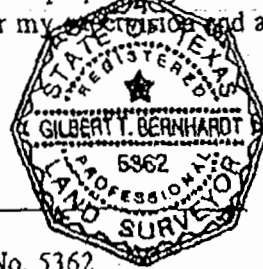
EXHIBIT A



THENCE, with the south right-of-way line of said Lawnmont Avenue, S89°52'00"E a distance of 355.05 feet to the POINT OF BEGINNING, and containing 2.425 acres of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on March 30, 2000 under my supervision and are true and correct to the best of my knowledge.

Gilbert T. Bernhardt  
Gilbert T. Bernhardt  
Registered Professional Land Surveyor No. 5362



April 5, 2000  
Date

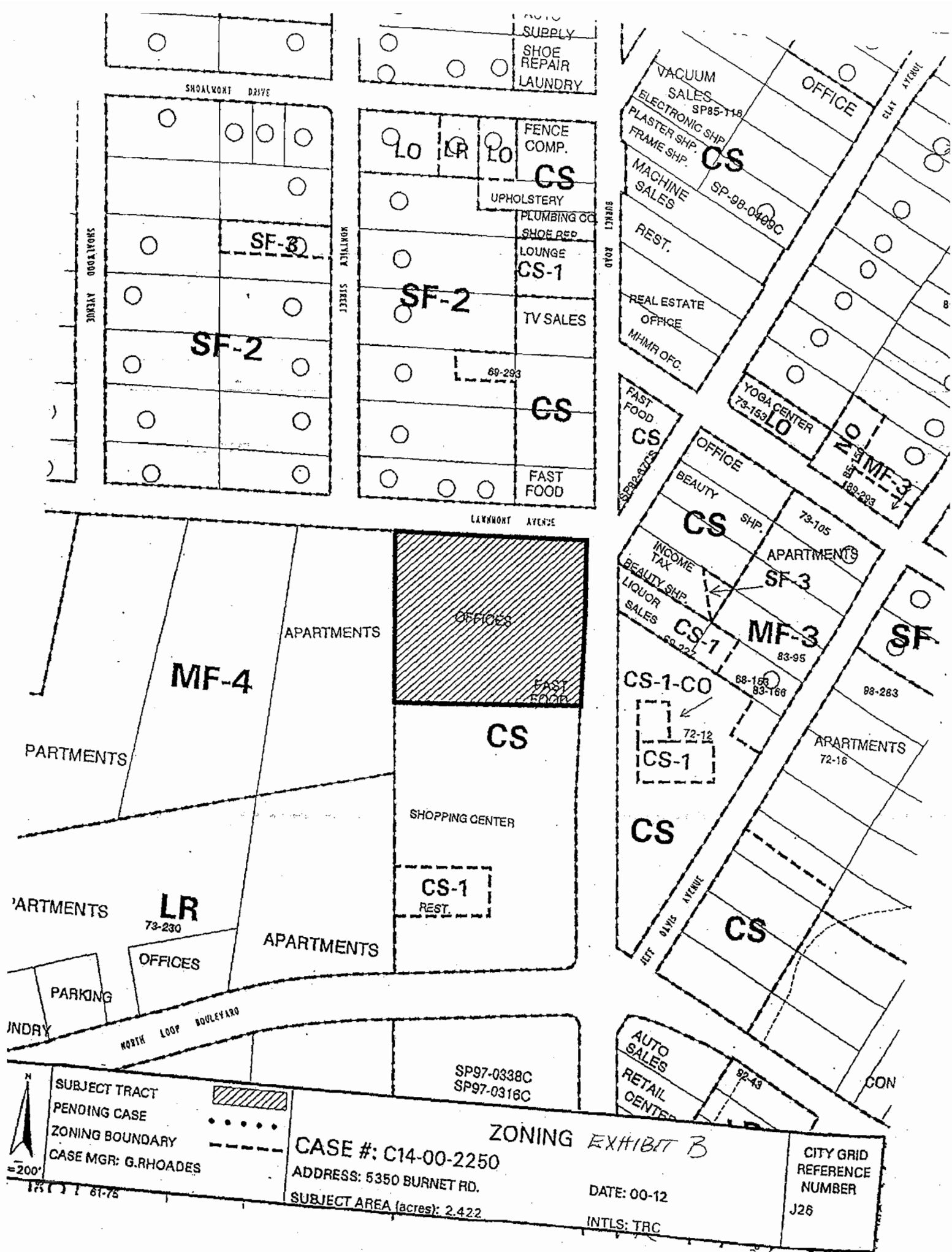
Client: Carr Development, Incorporated  
Date: March 31, 2000  
WO No.: 1190-05-01  
FB No.: 349/39  
File: C:\Cogodata\tr2000\11900501.crd  
C:\Proj2000\11900501.dwg

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

*Dana Debrauvoir*

85-23-2888 02:30 PM 2800078638  
RUIZO \$17.00  
DANA DEBRAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

Recorders Memorandum-At the time of recording this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



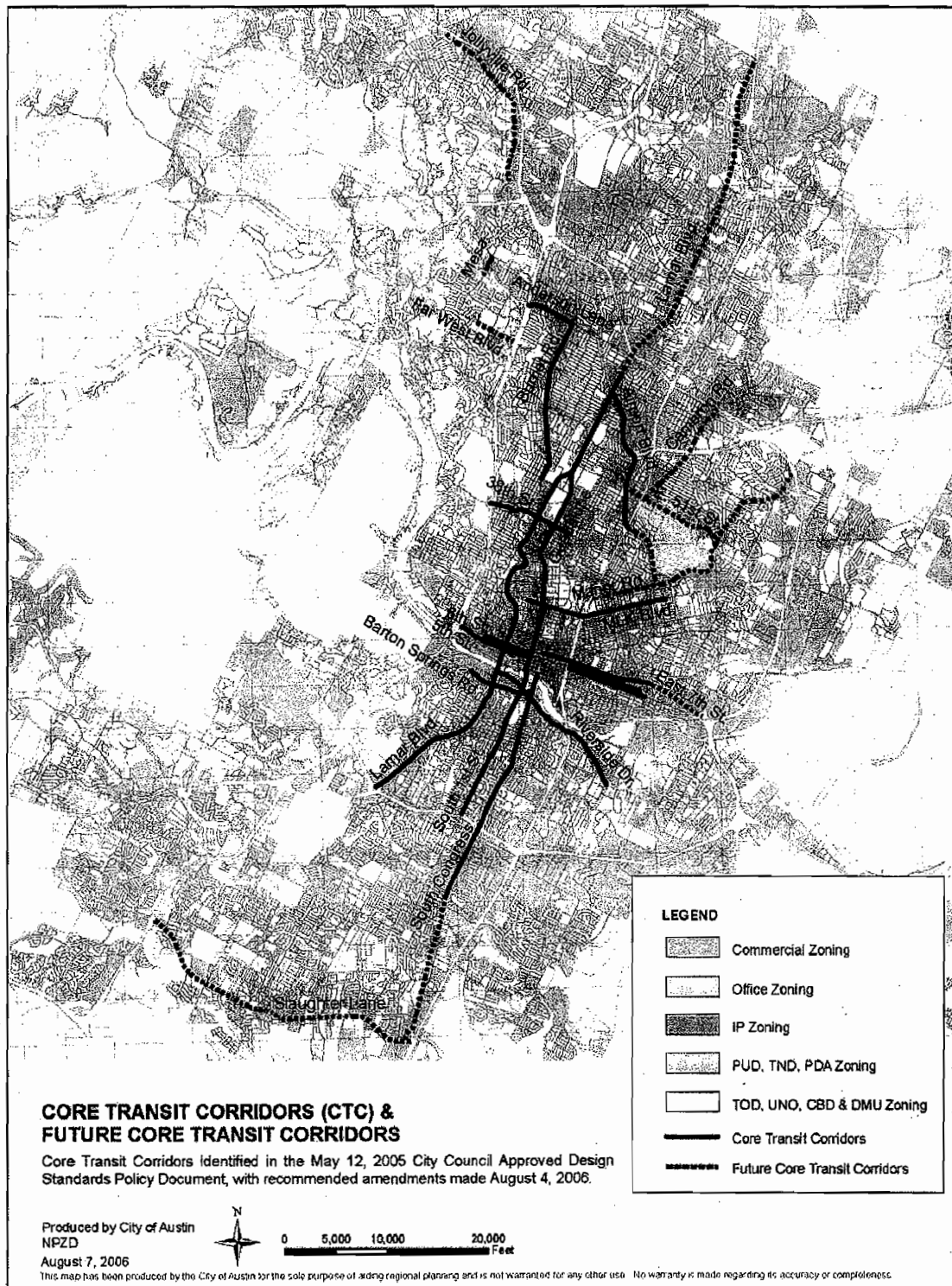


Figure 1: Core Transit Corridors Map



# City of Austin

Founded by Congress, Republic of Texas, 1839  
Development Review & Inspection Department  
Municipal Annex, 301 W. 2nd Street, P.O. Box 1088, Austin, TX 78767-8810

October 13, 2005

Mr. Jim Bennett  
11505 Ridge Dr.  
Austin, TX 78748

Re: C15-05-143  
5350 Burnet Road

Dear Mr. Bennett,

Please be advised that on Monday, October 10, 2005 the Board of Adjustment approved a variance to increase the maximum compatibility height from three stories or 40 feet to four stories and 60 feet in order to erect a mixed-use building. If you have any further questions, please contact me at 974-2686.

Sincerely,

Clara Hilling  
Board of Adjustment/Sign Review Board Secretary  
City of Austin

ATTACHMENT "C"



**Rousselin, Jorge**

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**From:** Paulette Kern [REDACTED]  
**Sent:** Wednesday, September 19, 2007 3:44 PM  
**To:** Rousselin, Jorge  
**Subject:** case C14-2007-0161

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road

Dear Mr. Rousselin:

This property is currently zoned Mixed Use (CS-MU-CO), and a mixed use development has already been approved for the site by the City of Austin.

It is my understanding that the applicant has requested this zoning change solely for the purpose of increasing the allowable residential density on the property. It is also my understanding that the adjacent single family neighbors are not supportive of this request, for that reason.

I am asking that you please send to me in pdf., the back up documentation (VMU Opt-in Application) which is to be reviewed by the City of Austin combined review team, as soon as it is submitted by the applicant. Subsequently, I would like to see the review team's comments as soon as the review is conducted.

Finally, I feel sure that we (the affected neighbors and Allandale Neighborhood Assc.) will have feedback on the Application, which we would like the opportunity to submit to you before you finalize the CoA staff report.

I appreciate your help in this matter as it is of much concern to the neighborhood.

Paulette Kern  
ANA zoning chair  
454-9166

9/20/2007



**Rousselin, Jorge**

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**From:** Anne Young [REDACTED]  
**Sent:** Wednesday, September 19, 2007 4:54 PM  
**To:** Rousselin, Jorge  
**Subject:** 5350 Burnet Road; 2007-146614ZC

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road

Jorge:

The applicant for this zoning change has recently displayed a "proposed site plan" to the surrounding neighbors. Though the site plan is preliminary, I believe that it will soon be submitted to you as part of the applicant's VMU Opt-In Application.

Several elements of the site plan are of significant interest to the neighbors. They include:

- (1) The proposed site plan does not include vehicular access from Lawnmont Avenue. It has one vehicular access point from Burnet Road for all of the residential, office, and retail space.
- (2) The proposed site plan includes a Fire Lane on the south side of the property. The Fire Lane access to Burnet Road is in conflict with the existing median in Burnet Road, and the applicant intends to secure approval from the City of Austin to modify that end of the median.
- (3) The applicant stated that the Fire Lane could be constructed of pervious material.
- (4) The proposed site plan does not include modifications to Burnet Road such as deceleration or turning lanes.

During the review of the applicant's VMU Opt-In Application, I request that each of the items above be verified and/or commented upon by the appropriate City staff members. It is critical that the surrounding neighbors be able to accurately judge the viability of the proposed site plan.

Please contact me if you have any questions regarding this request. Otherwise, I will wait to receive your response as quickly as the review team has completed its work. The neighbors will need time to assimilate the review team's comments, and the Planning Commission hearing date is quickly approaching.

Anne Young  
657.5323

9/20/2007

**Rousselin, Jorge**

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**From:** [REDACTED]  
**Sent:** Wednesday, October 03, 2007 11:14 AM  
**To:** Rousselin, Jorge  
**Cc:** [REDACTED]  
**Subject:** Permit 2007-146614 ZC /File C14-2007-0161/5350

Dear Mr. Rousselin:

We are homeowners at 5607 Montview St, whose property will be directly affected by the referenced zoning change request. We believe that the proposed residential density and retail mixed use, with a driveway onto Lawnmont, will result in a massive influx of northbound traffic on Montview. There is no controlled northbound access to Burnet Rd from Lawnmont. Montview is the closest direct route to the controlled intersection at Northland and Burnet. Montview is a small pedestrian-friendly residential street, completely incompatible with the northbound traffic volume that would inevitably be generated by the proposed project. We oppose the proposed zoning change and will appear at the Planning Commission Hearing on 10/9 to share our concerns. Thank you for your consideration of our position.

Berkley and Dorothy Bettis  
5607 Montview Street  
Austin, TX 78756-1611  
453-0449  
619-4379  
Dolrsdad@aol.com

\*\*\*\*\*

See what's new at <http://www.aol.com>

10/3/2007

**Rousselin, Jorge**

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**From:** Jason English [REDACTED]  
**Sent:** Wednesday, October 03, 2007 9:17 AM  
**To:** Rousselin, Jorge  
**Subject:** Permit/Case: 2007-146614 ZC

Permit/Case: 2007-146614 ZC

Zoning Request: CS-MU-CO zoning for Vertical Mixed Use Reference File: C14-2007-0161 Property Address: 5350 Burnet Road

Jorge,

I am told that this property is seeking to have some 230 units, plus ground floor retail. Please give me an update on the plan, as well as, the commission's opinion as to support it or not. I also understand that they have already received a variance for height.

As a resident on Montview Street, understand that I moved from Hyde Park to get away from the traffic - Needless to say, I am opposed to the additional 230-450 cars added to the area. This is too large. Projects of these size should be located on the corridors of the highways, not in the middle of neighborhoods.

Let me know your thoughts, as well as, what I can do,

thanks,

Jason S. English  
Assistant District Attorney  
Travis County, TX  
512-854-9562  
512-854-4206 FAX

**Rousselin, Jorge**

**From:** Paulette Kern [REDACTED]  
**Sent:** Thursday, October 04, 2007 9:57 AM  
**To:** Rousselin, Jorge  
**Subject:** Re: permit/case: 2007-146614ZC

**RECEIVED**  
**OCT 04 2007**  
**Neighborhood Planning & Zoning**

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road  
Dear Mr. Rousselin,

In reading the staff report on this case, I was surprised by numerous revelations that were new to me or contradicted specific representations made by applicant in meetings with neighbors and representatives of ANA. For example, one such change of position, only now revealed, is the applicant's request to take advantage of the parking reduction incentive under VMU. This was specifically discussed with the applicant and applicant stated that he would not be requesting/using the parking reduction.

Due to discrepancies between the applicant's representation in meetings prior to submittal of zoning change request and what has been submitted, the Allandale Neighborhood Association is requesting a postponement of the hearing in front of Planning Commission set for Tues., Oct. 9, 2007 to Oct. 23. If that agenda is full, we would accept the Nov. 13 space.

Please inform me of the status of our request for postponement as soon as possible. appreciate your prompt response to me in the past.

Thank you for your help in this matter.

Paulette Kern  
zoning chairperson, Allandale Neighborhood Assoc.  
454-9166

10/4/2007



Allandale Neighborhood Association

PO Box 10886, Austin, TX 78766

October 3, 2007

Mr. Jorge Rousselin  
City of Austin Neighborhood Planning and Zoning Dept  
P.O. Box 1088  
Austin, TX 78767-8810

**RECEIVED**

OCT 04 2007

**Neighborhood Planning & Zoning**

Re: case C14-2007-0161

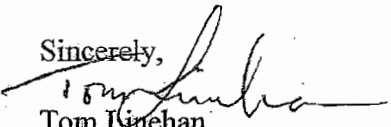
Dear Mr. Rousselin:

The Executive Committee of the Allandale Neighborhood Association (ANA) met on September 19, 2007 and passed the following resolution regarding the proposed development on 5350 Burnet Rd:

The Allandale Neighborhood Association Executive Committee supports the project density (88 units) agreed to in 2005 and we oppose the density in Ardent's current VMU application as it is not compatible with the existing neighborhood and will decrease the quality of life and create unsafe traffic. In particular, we are concerned by: 1) lack of a turn lane on Burnet Road which will cause traffic to back up on an already congested road, and 2) lack of a loading facility which will result in blocking of Lawnmont or Burnet Road. This property has already received a variance for increased density, with the support of the ANA because the developer worked with the neighbors to come up with an acceptable density. The current developer knows and understands the limitations on this property. As evidenced by our prior support for increased density on this property, we support reasonable development.

The EC agrees with the adjoining neighbors that the increased residential density would negatively affect the neighborhood. Ardent Properties knew what the density limitations were when considering the purchase of the property. It was originally designated to be owner-occupied units. Ardent's proposed development would result in 165 apartments. ANA feels it has already compromised heavily on density for this particular property by supporting the initial variance approved for Carr Development.

Sincerely,

  
Tom Linahan

President, Allandale Neighborhood Association

Cc: ANA Executive Committee

**Rousselin, Jorge**

---

**From:** Kerry Howell [REDACTED]  
**Sent:** Friday, October 05, 2007 10:57 AM  
**To:** Rousselin, Jorge  
**Subject:** FW: Permit/Case: 2007-146614 ZC

**From:** Kerry Howell [mailto:kvhowell@hotmail.com]  
**Sent:** Wednesday, September 19, 2007 1:07 PM  
**To:** 'Jorge.Rousselin@ci.austin.tx.us'  
**Subject:** Permit/Case: 2007-146614 ZC

Jorge,

I am writing to you to request a vote AGAINST the zoning change that is ask for by Ardent Properties in the below case..

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road

I am an impacted neighbor and feel that the increase in density that is being asked for will adversely increase traffic, increase crime, decrease quality of life and decrease our property values.

I hope for your support

Thank you  
Kerry Howell  
5401 Montview Street  
Austin, TX 78756

10/5/2007



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

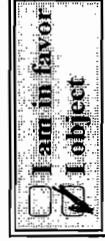
Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-2007-0161

**Contact:** Jorge E. Rousselin, (512) 974-2975

**Public Hearing:**

October 9, 2007 Planning Commission; October 18, 2007 City Council



Viola M. SALLS

Your Name (please print)

5400 MONTVIEW

Your address(es) affected by this application

Viola M. Salls

Signature

9-14-07

Date

Comments:

I am very opposed to this - since it is in

**RECEIVED**

**SEP 24 2007**

**Neighborhood Planning & Zoning**

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge E. Rousselin, Zoning Case Manager

P. O. Box 1088

Austin, TX 78767-1088

**Rousselin, Jorge**

---

**From:** Tim Fackler [REDACTED]  
**Sent:** Sunday, October 07, 2007 7:22 PM  
**To:** Rousselin, Jorge  
**Subject:** Zoning Change Protest: Ref# C14-2007-0161

7 October 2007

Dear Mr. Rousselin,

I am writing in strong protest of a zoning change requested at 5350 Burnet Road (Case# 2007-146614 ZC; Reference# C14-2007-0161).

In brief, the vertical mixed use conditional overlay requested for this property - coming on top of a previous height variance which already effectively raised the residential density - would further increase the property's residential density to the point of creating adverse effects on traffic patterns, neighborhood infrastructure, and current neighborhood residents.

My family and I live one block west and a block and a half north of the proposed project at 5601 Montview Street. Our stretch of Montview which lacks curbs, sidewalks, or speed bumps is already used as a cut-through for car traffic heading north through the neighborhood. Because Lawnmont which bounds 5350 Burnet Road to the north does not have a traffic light and because the busy stretch of Burnet Road in front of 5350 Burnet contains a median, residents of and visitors to this apartment project wishing to head north would almost certainly use Montview as a cut-through. Every increase in density at 5350 Burnet Road will generate additional cut-through traffic on Montview.

Increased traffic alone is worrisome in its negative impact on the quality of Montview and other side streets, its impact on parking, and increased pollution and noise. But increased traffic on Montview is doubly worrisome because the street is heavily used by pedestrian traffic from the Kensington Apartments, the North Loop Apartments, and the French Quarter Apartments. Many elderly and handicapped individuals walk up and down Montview or driver motorized carts and wheelchairs along the street on the way to the HEB grocery, other shops, or bus stops at Burnet and Allandale. Many neighborhood residents walk with dogs and children along Montview and intersecting streets, including the many families with children that regularly walk to Amy's Ice Cream at Burnet and Northland. Without curbs, sidewalks, or speed bumps, particularly on Montview, any increases in traffic will pose a rising threat of injury or worse to residents and existing residential use of this and intersecting streets.

It may be that there are reasonable solutions to these concerns, but so far to my knowledge the applicant for this zoning change has not acted to take these or other neighborhood concerns into account. For example, there has been no commitment from the applicant to eliminate Lawnmont driveway access to the property or to establish a density cap for the project. Moreover, I have yet to see any research from the applicant on the impacts on transportation created by the conceptual site plan as requested by neighbors during meetings with the applicant. To further compound matters, the conceptual plan submitted to the city is different than the presented in discussions with neighborhood representatives.

For these reasons I strongly urge that this requested zoning change be denied.

Thank you for your consideration in this matter.

Tim Fackler

5601 Montview St.  
Austin, TX 78756

(512) 371-1046

--

Tim Fackler

Liberal Arts Instructional Technology Services Mezes Hall 2.302 University Station B3500 Austin, TX 78712-1087

512-232-5698 (o)  
512-471-7718 (f)

**Rousselin, Jorge**

---

**From:** Kate Davis [REDACTED]  
**Sent:** Tuesday, October 09, 2007 8:50 PM  
**To:** Rousselin, Jorge  
**Subject:** Permit Case: 2007-146614

Dear Mr. Rousselin,

I would like to express my opinion in **strong** opposition to the request for rezoning of 5350 Burnet Road. This neighborhood should and must maintain its integrity. I would appreciate if the zoning commission would vote against this request. Allandale is a keeper and should not be dismantled one development at a time.

Thank you for your consideration.

Sincerely,

Catherine C Davis, Ph.D.

5422 Montview St.

Austin, TX 78756

Permit/Case: 2007-146614 ZC

Zoning Request: CS-MU-CO zoning for Vertical Mixed Use

Reference File: C14-2007-0161

Property Address: 5350 Burnet Road

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Boo! Scare away worms, viruses and so much more! Try Windows Live OneCare! Try now!

10/15/2007

**Rousselin, Jorge**

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**From:** Gene Schneider [REDACTED]  
**Sent:** Tuesday, October 09, 2007 6:37 AM  
**To:** Rousselin, Jorge  
**Subject:** FW: Hearing 10-9-07, Proposed Zoning Change for 5350 Burnet Rd, Austin, TX

---

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road

I was notified of the proposed zoning change by a neighbor. I did not receive information previously about this.

This is to request a vote AGAINST the zoning change request by the applicant. We currently own the property at 2112 Lawnmont Avenue, which would be extremely affected by these changes since it is directly across the street from the location in question.

I am not happy with the large increase in number of living units from what had been approved for the condominium project. Also I heard there is a proposed exit on Lawnmont Avenue and they are wanting to put in less than the usual required number of parking spaces per living unit; both of these would be very bad for my property since the traffic would increase greatly in front of my house and overflow parking would park along that street.

I look forward to a favorable outcome of this situation. Thank you.

Sincerely,

Gene Schneider  
Home Phone 512-258-4253

10/15/2007

**Rousselin, Jorge**

---

**From:** Paulette Kern [REDACTED]  
**Sent:** Sunday, October 14, 2007 7:19 PM  
**To:** Rousselin, Jorge  
**Subject:** Re: permit/case: 2007-146614ZC

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road

Dear Mr. Rousselin,

Regarding the case above, I have two items or questions:

1. The applicant notified us last week that there is an error in the staff report regarding the desire for VMU parking incentives. He states that he does not intend to use the parking incentive. Please let me know as soon as you have something in writing on record to that effect.
2. According to the geologic map of Austin area, there is a fault within two blocks of this site. Has there been any subsurface exploration of the fault running parallel and east of Woodview? Could the effects of fault fissures have a negative affect on the foundation for a project as big as this? Has there been an engineering or geological assessment of this site?

Thank you for your time and help.

Paulette Kern

ANA zoning Chair

454-9166

10/15/2007

**Rousselin, Jorge**

---

**From:** Kerry Howell [REDACTED]  
**Sent:** Wednesday, September 19, 2007 1:07 PM  
**To:** Rousselin, Jorge  
**Subject:** Permit/Case: 2007-146614 ZC

Jorge,

I am writing to you to request a vote AGAINST the zoning change that is ask for by Ardent Properties in the below case..

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road

I am an impacted neighbor and feel that the increase in density that is being asked for will adversely increase traffic, increase crime, decrease quality of life and decrease our property values.

I hope for your support

Thank you  
Kerry Howell  
5401 Montview Street  
Austin, TX 78756

10/4/2007



**Rousselin, Jorge**

---

**From:** Michele M. Rogerson [REDACTED]  
**Sent:** Monday, October 15, 2007 10:46 PM  
**To:** Rousselin, Jorge; Paulette Kern  
**Cc:** Ashley N. McNabb  
**Subject:** RE: Re: permit/case: 2007-146614ZC

Thanks for passing along Jorge. Ms. Kern, we have asked Jorge to revise his report before the hearing on the 23rd to remove the request for the optional parking waiver. It was our office's oversight in adding this optional waiver in to the request. By record of this email, Jorge has official notification to remove that option from the report. This information will also be clarified with the Planning Commissioners.

I'll pass along the question regarding geologic assessment to Mr. Denton. Typically more detailed site information is handled at the next stages in the development process.

---

Michele M. Rogerson  
Senior Development Planner  
Drenner & Golden Stuart Wolff, LLP  
301 Congress, Suite 1200  
Austin, Texas 78701  
(512) 404-2251  
(512) 404-2244 fax  
[REDACTED]

---

**From:** Rousselin, Jorge [mailto:Jorge.Rousselin@ci.austin.tx.us]  
**Sent:** Monday, October 15, 2007 9:09 AM  
**To:** Paulette Kern  
**Cc:** Michele M. Rogerson; Ashley N. McNabb  
**Subject:** RE: Re: permit/case: 2007-146614ZC  
**Importance:** High

Ms. Kern,

I can assure you that the information reflected in the Staff report is accurate as far as the request from the applicant. In a personal meeting with the applicant's representatives, they indicated a desire to take advantage of the parking reduction offered under VMU. I understand now that they want to no longer request such provision, but this does not reflect an error in the staff report as it was what was originally requested. I am copying Ms. Rogerson on this e-mail for clarification. Also, I am not aware of any engineering or geological assessments of the site as those are beyond the scope of the zoning request. Thanks!

Jorge  
974-2975

---

**From:** Paulette Kern [REDACTED]  
**Sent:** Sunday, October 14, 2007 7:19 PM  
**To:** Rousselin, Jorge  
**Subject:** Re: permit/case: 2007-146614ZC

10/17/2007

Permit/Case: 2007-146614 ZC

Zoning Request: CS-MU-CO zoning for Vertical Mixed Use

Reference File: C14-2007-0161

Property Address: 5350 Burnet Road

Dear Mr. Rousselin,

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1. The applicant notified us last week that there is an error in the staff report regarding the desire for VMU parking incentives. He states that he does not intend to use the parking incentive. Please let me know as soon as you have something in writing on record to that effect.

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Thank you for your time and help.

Paulette Kern  
ANA zoning Chair  
454-9166

10/17/2007

**Rousselin, Jorge**

---

**From:** Paulette Kern [REDACTED]  
**Sent:** Wednesday, October 03, 2007 9:19 PM  
**To:** Rousselin, Jorge  
**Subject:** permit/case: 2007-146614ZC

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road  
Dear Mr. Rousselin,

In reading the staff report on this case, I was surprised by numerous revelations that were new to me or contradicted specific representations made by applicant in meetings with neighbors and representatives of ANA. For example, one such change of position, only now revealed, is the applicant's request to take advantage of the parking reduction incentive under VMU. This was specifically discussed with the applicant and applicant stated that he would not be requesting/using the parking reduction.

Due to discrepancies between the applicant's representation in meetings prior to submittal of zoning change request and what has been submitted, the Allandale Neighborhood Association is requesting a postponement of the hearing in front of Planning Commission set for Tues., Oct. 9, 2007.

Please inform me of the status of our request for postponement as soon as possible. I appreciate your prompt response to me in the past.

Paulette Kern  
zoning chairperson, Allandale Neighborhood Assoc.  
454-9166

10/4/2007

**Rousselin, Jorge**

---

**From:** Wes Schneider [REDACTED]  
**Sent:** Thursday, October 04, 2007 9:51 PM  
**To:** Rousselin, Jorge  
**Subject:** Hearing 10-9-07, Proposed Zoning Change for 5350 Burnet Rd, Austin, TX

Permit/Case: 2007-146614 ZC  
Zoning Request: CS-MU-CO zoning for Vertical Mixed Use  
Reference File: C14-2007-0161  
Property Address: 5350 Burnet Road

I was notified of the proposed zoning change by a neighbor. I did not receive information previously about this.

This is to request a vote AGAINST the zoning change request by the applicant. We currently own the property at 2114 Lawnmont Avenue, which would be extremely affected by these changes since it is directly across the street from the location in question.

I am not happy with the large increase in number of living units from what had been approved for the condominium project. Also I heard there is a proposed exit on Lawnmont Avenue and they are wanting to put in less than the usual required number of parking spaces per living unit; both of these would be very bad for my property since the traffic would increase greatly in front of my house and overflow parking would park along that street. It appears the trees on Lawnmont Avenue would go in on city property where the current sidewalk is currently. People use that sidewalk all day long and it needs to stay. I'm not objecting to trees, I just would want them behind the sidewalk.

I look forward to a favorable outcome of this situation. Thank you.

Sincerely,

Wes and Sue Schneider  
Home Phone 512-371-1060

10/5/2007